REMARKS

Claims 1-11, 13, 14, 16, 17, and 25-68 are rejected but pending in this application. Of these, claims 1, 25, 41, and 65 are independent. The above-identified patent application has been amended and reconsideration and reexamination are respectfully requested.

The Examiner issued a restriction, under 35 U.S.C. 112, for failing to comply with the written description requirement for claims, 40 and 51. The current description better defines the substance and process of the claim and further describes it different than the current known Art. Along that same consideration provided to claims 40 and 51, please see below the discussion of rejection on claims 1-11, 13, 14, 16, 17, and 25-68. For the purpose of the discussion, the following prior Art and Patents are referenced:

1.) Patent No.: US 6,925,439 B1	Pitroda
2.) Patent No.: US 20010013551 A1	Ramachandran
3.) Patent No.: US 2003/0061156 A1	Lim
4.) Patent No.: US 2001/0002468 A1	Nel
5.) Patent No.: US 2004/0010457 A1	Kakuta

Claim Rejections – USC § 103

Nel teaches us that the invention, US 2001/0002468 A1, is a purchasing invention only. In the independent and distinct claims herein, Workens teaches that this invention allows for purchasing and managing personal finances through banking and non-banking transactions at the Point of Transaction or as it is referred to as Point-of-Sale terminal in the application.

Additionally, Nel teaches that there is an "automatically initiating payment by the purchase for the product in the amount equal to the value of the transaction." The description herein by Workens, teaches us that the account of the retailer or receiving institution sends a signal to the card and card reader through the terminal and then the user initiates the transaction by a imputing a PIN (Personal Identification Number) that allows for the transaction to take

place, as noted in Independent Claim 1. The card and PIN illustrate the differences between the current known art of Nel' invention and prior art and the claims of Workens within.

Nel additionally, notes that the system software does the "accounting" and settling of the transaction in paragraph [0122]. In the enclosed teachings, the individual institutions will be settling each respective side of their transactions directly through their bank account. In the enclosed teachings, the system software only allows for the ability to download individual and aggregated transaction information to the institutions back offices. Whereby, the respective Institutions will account for and balance the individual and aggregate transaction(s) against the transaction information provided from the system software information and the Account transactions provided in the Bank Account Statements that have been provided by their bank.

Nel also teaches us that there is a Computer Center in the system that allows the system to automatically "transact" or facilitate the purchase with the software. Nel fails to mention the importance of the card, card reader and PIN in the transaction allowing for the purchase or other transaction to take effect. Whereby, the card, card reader, and PIN allow for a user to transact with a specific request from the user, not purchase automatically without request or verification from the system user.

Finally, Nel teaches that the card noted in US 2001/00024568 A1 are "storage" type cards not "transaction authorization" cards that update values in "real time" that Workens describes in the enclosed application in Claim 1.

Regarding claim 64 being vague and indefinite, please review the revised version that is explicit in the process on how funds are transferred to purchase or fund a transaction.

Claim 64, describes the card and its functions, as being an important aspect in assisting the transfer of funds to complete or fund a transaction to any other prior known Art. Nel illustrates that the funding is "automatic" by the card, Kakuta makes no mention of a card but uses a single "apparatus" to settle the transaction(s). In both Nel and Kakuta prior known art, neither mention the card or the systems ability to have other types of transactions completed with the inventions such as bill pay, stock transactions, money transfers to other accounts on the card directly, etc.

Additionally, neither Nel or Kakuta offer insight as to the ability of the system to update and verify, in real time, balances to the system or apparatus in order to fund the purchase. Kakuta

notes that the system uses a card, but does not specify what the card can separately, without the card reading system and apparatus. Whereby, the enclosed invention, discloses and notes the ability for the card to obtain information allowing it to verify, in real time, balances and transfer funds directly, byway of the card, card reader, terminal and network.

Pitroda teaches us that noted in column 3, the card uses "stored cash values." It is also stated in column 11 that "The main purpose of the UET card is to consolidate variety of plastic cards in one and to eliminate paper transactions by storing all transactions in the card memory, which can be down loaded to the home PC." First, clearly, stored information is separate and distinct from real time values. Secondly, the purpose of the card in this invention is to provide a card that provides users the ability to transact directly with a second account in real time with one or more of their accounts. Pitroda makes no mention of the ability for the card in that invention to allow for other types of transactions like, bill pay, stock transactions, or other transaction types outside of the traditional purchase transactions. Furthermore, the device that Pitroda notes in his invention is a "portable" plug and play type invention. Workens teaches that the system is not an outside "portable" plug and play product with an LED touch screen. Workens' invention described herein, is a system that includes a card, card reader, terminal, and network.

Lim is a processing system that does not include, as part of the system, a card, card reader, terminal or network. The process of "searching a instant settlement service credit limit" is clearly different and distinct from Workens' process herein described. Additionally, paragraph [0031] in Lim teaches that the server 4 withdraws the instantly settled account from the credit card company 3 through a predetermined validation procedure." In the invention herein disclosed, the user sends the funds byway of a different authorization process, which includes imputing a PIN, the card, card reader, terminal, network. Lim leaves out the importance, in its invention, and makes no mention at all, of the card, card reader, or PIN entered by the user to authorize the transfer of the funds directly. In fact, Lim's process is opposite of the invention of Workens'. Ramachandran, Dorf, and Houvener do not remedy the foregoing deficiencies of Wynn with respect to the independent claims, particularly with respect to transferring funds in real time from the first account of a first user to a second account directly.

Ramachandran is directed to a portable terminal for adding or deleting account information to a programmable memory and for facilitating the transfer funds between the accounts stored on the card.

Dorf describes a multifunctional card that may function as a conventional prepaid phone card, a debit card, a loyalty card, or a medical information card. Although Dorf discloses a system for crediting an account corresponding to the loyalty card or the prepaid phone card in real time immediately after a transaction takes place, nowhere does Dorf disclose or suggest that the funds, which finance the transaction, are transferred in real time. More specifically, in col. 9, lines 52-55, Dorf describes that "after receiving the data, the processing hub 103 credits the appropriate record in the loyalty card database 206 with a number of points proportional to the purchase price." Additionally, in col. 10, lines 2-6, Dorf states: "For instance, instead of awarding loyalty points, the system could add value in real time to a record in the phone database 204 at the prepaid phone card issuer hub 104, thus rewarding the customer with free phone time." Although Dorf discloses crediting loyalty points to the consumer's loyalty account or prepaid phone account in real time once the purchase transaction takes place, Dorf neither discloses nor suggests that funds from the consumer's account, which fund the transaction, are transferred to the retailer's account in real time.

Houvener is directed to a method of authentication based on biometric data.

Independent claims 25, 41, and 65 recite similar limitations to that of claim 1 and are therefore patentable for at least the same reasons as claim 1 is patentable. Claims 2-11, 13, 14, 16, 17, 26-40, 42-64, and 66-68 depend on one of independent claims 1, 25, and 41, and are patentable for at least the same reasons as the claims on which they depend are patentable.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claims, except as specifically stated in this paper, and the amendment of any claims does not necessarily signify concession of unpatentability of the claim prior to its amendment.